



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

DATE: APRIL 27, 2006

TO: PLANNING COMMISSION

FROM: JOHN NALL, PRINCIPAL ENVIRONMENTAL SPECIALIST *JN*

SUBJECT: CONTINUED STUDY SESSION - DRAFT LETTER TO THE
BOARD OF SUPERVISORS REGARDING POLICIES AND
PROCEDURES WHEN THE COUNTY ASSUMES THE ROLE OF
RESPONSIBLE AGENCY

SUMMARY

On March 23, 2006, the Planning Commission directed staff to prepare a letter to the Board of Supervisors (from your Commission) regarding policies and procedures when the County is asked to consider and rely on an EIR prepared by another agency. In these cases, the County assumes the role of Responsible Agency consistent with the requirements of the California Environmental Quality Act (CEQA).

Staff has prepared a draft letter for consideration by your Commission, (please see attachment).

RECOMMENDATION

Review and discuss the draft letter to the Board of Supervisors and direct staff with regard to any suggested changes as to the content of the draft letter.

DRAFT

DATE: APRIL 27, 2006

TO: EACH MEMBER OF THE BOARD OF SUPERVISORS

FROM: THE COUNTY PLANNING COMMISSION

SUBJECT: THE COUNTY'S ROLE AS A RESPONSIBLE AGENCY WHEN
CONSIDERING THE ADEQUACY OF ENVIRONMENTAL
IMPACT REPORTS

Summary

This memorandum is intended to serve as a request from the County Planning Commission that your Board consider policies and procedures that would apply when the County assumes the role of "Responsible Agency" and is asked to consider and rely on an environmental impact report (EIR) that has been prepared by another agency. The Planning Commission further requests that the Board of Supervisors address the adequacy of EIR's that have been prepared by another agency prior to those EIR's being considered by the Planning Commission.

Discussion

As part of a scheduled study session on March 23, 2006, staff with the Department of Planning and Building provided the County Planning Commission with a presentation regarding the County's role when acting as a Responsible Agency. The Planning Commission reviewed and discussed the County's obligations and options when acting as a Responsible Agency consistent with the requirements of the California Environmental Quality Act (CEQA).

At the conclusion of the study session, the Planning Commission passed a motion to send a letter to the Board of Supervisors requesting that policies be reviewed and procedures be added that would provide the Board the opportunity to determine the adequacy of another agency's EIR when the County is considering a project EIR as a Responsible Agency. This memorandum from the Planning Commission to the Board of Supervisors is intended to serve as that request.

As part of their presentation, staff explained the different obligations and options between acting as a Lead Agency versus acting as a Responsible Agency. During their deliberations, the Planning Commission agreed that although rare, the County does occasionally assume the role of Responsible Agency, and often times the projects that are involved are projects which are significant and/or "large in scope".

The Planning Commission discussed the need for the Board to make a determination on the adequacy of an EIR during the 30 day statute of limitations during which time the County could exercise one of several different options if the Board were to determine that an EIR were inadequate. The options available to the Board of Supervisors include:

- File a CEQA Court Challenge against the Lead Agency;
- Waive objections to the EIR and use it anyway;
- Require a subsequent EIR; or
- Assume the Lead Agency role and prepare its own EIR

Recommendation

The motion by Commissioner Gibson was as follows:

"Move that we send a letter to the Board of Supervisors asking them to review their policies regarding consideration of EIR's when the County is in the role of a Responsible Agency, and asking that they add a step to their procedures whereby their consideration of their options under the situation of finding that EIR inadequate, be explicitly considered and action taken on that on a Board of Supervisors' agenda before the applicable time limits expire."

The motion was seconded by Commissioner Rappa and carried on a 4 to 0 vote with Commissioner Christie being absent.

